

# KAPLAN HECKER & FINK LLP

350 FIFTH AVENUE | 63<sup>RD</sup> FLOOR  
NEW YORK, NEW YORK 10118

1050 K STREET NW | SUITE 1040  
WASHINGTON, DC 20001

TEL (212) 763-0883 | FAX (212) 564-0883

WWW.KAPLANHECKER.COM

DIRECT DIAL 212.763.0883  
DIRECT EMAIL jmatz@kaplanhecker.com

January 5, 2023

## VIA ECF

The Honorable Sanket J. Bulsara  
United States District Court for the Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201  
Bulsara\_Chambers@NYED.USCOURTS.GOV

*Re: Richardson v. City of New York*, No. 21 Civ. 3609 (E.D.N.Y.) (LDH) (SJB)

Dear Judge Bulsara:

We write pursuant to the Court's order dated December 9, 2022, directing the parties to submit to the Court a joint schedule with tentative deposition dates.<sup>1</sup>

### Plaintiffs' Position

Plaintiffs have proposed the following schedule to Defendants:

#### Plaintiffs' Deponents

Deponent	Proposed Date
Giovanni Calderon	February 14
Michael A. Ciota	February 16
Eric Olfano	February 17
Jorge Perez	February 22
Max Bermudez	March 1
Michael Kovalik	March 3
Solomon C. Jacobs	March 6

<sup>1</sup> This tentative schedule includes all fact depositions, but does not include any potential expert depositions that may take place following the close of fact discovery, currently scheduled for March 31, 2023.

## KAPLAN HECKER &amp; FINK LLP

2

Joseph B. Taylor	March 8
Harry Kerr	March 10
Jessica Clinton	March 13
Andrew Ventrella	March 15
Jeffrey Maddrey	March 17
John D'Adamo	March 20
City of New York 30(b)(6) witness	March 22
Terence Monahan	March 24
Dermot Shea	March 27
Keechant Sewell	March 29
Margaret Carnett	March 30

**Defendants' Deponents**

<b>Deponent</b>	<b>Proposed Date</b>
Diana Richardson	Week of March 27
Zellnor Myrie	Week of March 13

Plaintiffs are open to scheduling multiple depositions on a single day, consistent with the availability of counsel and deponents. Plaintiffs disagree with the remainder of Defendants' position and reserve all rights. Indeed, although Plaintiffs provided Defendants with their list of potential deponents on December 22, 2022, Defendants did not raise the objections set forth below in response to that proposal until 5:50pm ET today. Plaintiffs expect that the parties will continue to meet and confer about these issues over the coming months, particularly as Defendants have not yet complied with their document discovery obligations (which may obviously affect depositions).

**Defendants' Position**

As an initial matter, defendants only provided dates for certain officers and did not agree to all of the dates proposed by plaintiffs. The plaintiffs and named defendants can confer regarding mutually agreeable dates in February and March. In fact, defendants have begun obtaining availability and have provided same to plaintiffs' counsel. Defendants object to the number of depositions sought by plaintiffs as they exceed the number permitted under the federal rules. More importantly, defendants do not agree to produce deponents that are not relevant to the instant case, including, but not limited to, the current and former Police Commissioners. In addition, we cannot agree to the deposition of a 30(b)(6) witness without an appropriate notice, including topics. We reserve our rights to raise additional objections to the deponents listed by plaintiffs

KAPLAN HECKER & FINK LLP

3

Respectfully submitted,

/s/ Joshua Matz

---

Joshua A. Matz  
Raymond P. Tolentino  
KAPLAN HECKER & FINK LLP  
1050 K Street NW, Suite 1040  
Washington, DC 20001  
Tel: (212) 763-0883  
Fax: (212) 564-0883  
jmatz@kaplanhecker.com  
rtolentino@kaplanhecker.com

Sean Hecker  
Alexandra Conlon  
Anne R. Yearwood  
Molly K. Webster  
Elizabeth M. Slater  
KAPLAN HECKER & FINK LLP  
350 Fifth Avenue, 63rd Floor  
New York, New York 10118  
Tel: (212) 763-0883  
Fax: (212) 564-0883  
shecker@kaplanhecker.com  
aconlon@kaplanhecker.com  
ayearwood@kaplanhecker.com  
mwebster@kaplanhecker.com  
eslater@kaplanhecker.com

*Counsel for Plaintiffs Diana C. Richardson  
and Zellnor Y. Myrie*

/s/ Erica Bianco

---

Erica Bianco  
Special Federal Litigation Division  
New York City Law Department  
100 Church Street  
New York, New York 10007  
ebianco@law.nyc.gov

*Counsel for Defendants, The City of New  
York, Bill De Blasio; NYPD Commissioner  
Dermot Shea; NYPD Chief of Department  
Rodney Harrison as successor in interest to  
Terence Monahan (retired); and NYPD  
Members of the Service Joseph B. Taylor,  
Jessica Clinton, Giovanni Calderon, Solomon  
C. Jacobs, Jorge Perez, John Doe #1,  
Michael Kovalik, Michael A. Ciota, Max  
Bermudez, Andrew Ventrella, Eric Olfano,  
and Harry Kerr*